

RECEIVED
15 JULY 1998LH
7-24-98
#3

Pharma

TELEFAX TRANSMITTAL COVER SHEET

Date: 15 July 1998Number of Pages: 6
(Including Cover Sheet)

To: Unassigned Examiner Company/Department: 6AU 1648 Fax Number: 703-305-3014

From: Mary Gormley Company/Department: Patent Department Fax Number: (301) 948-9751
Rockville, Maryland

Subject/Reference: USSN 09/059,853

Remarks:

CONFIDENTIAL

Please find attached:

- ① IDS (3 pages)
- ② 1449 (2 pages)

*It is believed that Ex. Lynette Smith
will be handling this application.*

Warning: The information contained in this facsimile message is attorney privileged and Patent Department confidential information intended only for use of the individual or entity named above. If the 1500 Piccard Drive sender of this message is not the intended recipient, you are hereby notified that any Suite 206 dissemination, distribution or copying of this communication is wrongful and may subject you to Rockville, MD 20850-4396 civil liability. If you have received this communication in error, please immediately notify us by Tel. (301) 948-7400 telephone, and return the original message to us at 1300 Piccard Drive #206, Rockville, MD 20850 Fax (301) 948-9751 in the U.S. Postal Service. Thank you.

07/15/98 WED 13:45 [TX/RX NO 9041] 0001

BEST AVAILABLE COPY

RECEIVED
R.1598

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

BY: Mary E. Gormley
Date: 7/15/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MEYERS ET AL.

Serial No.: 09/059,853

Group Art Unit: 1648

Filed: April 14, 1998

Examiner: to be assigned

For: HOG CHOLERA VIRUS VACCINE AND DIAGNOSTIC

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR 1.97(b)

Assistant Commissioner of Patents
Washington, D.C. 20231

July 15, 1998

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO-1449. The documents are not provided with this paper, because they can be obtained from either of the parent applications, now Serial Nos. 08/873,759 and 08/876,991. If copies are needed for the Examiner to effect consideration of this Statement, she may request them by telephoning the undersigned.

No fee or certification is required in connection with this Information Disclosure Statement, since it is being submitted prior to the last of (1) issuance of a first official action on the merits and (2) expiration of the three month period following

filling of the above-captioned application.

Applicants have the following comments concerning some of the cited references.

The cited documents AR - AY were filed by an opponent against the granted European cognate in an Opposition filed March 4, 1997, a copy of which is also of record in the above-mentioned present applications.

The subject matter of the documents is as follows.

Reference AS (referred to as B1 in the Opposition) was cited in the parent applications.

References AT and AU (referred to as B2 and B3 in the Opposition) are two documents disclosing the molecular cloning, nucleotide and amino acid sequences, and the organization of the genome of a virus related to HCV, i.e. the bovine viral diarrhea virus (BVDV).

Reference AV (referred to as B4 in the Opposition) concerns an oral presentation, the sheets and accompanying Declarations which concern the information presented in December 1988. Applicants submit that this disclosure does not provide an enabling disclosure of any HCV nucleotide or amino acid sequence.

Reference AX (referred to as B5 in the Opposition) is a thesis that was publicly available on March 14, 1989.

Reference AR (referred to as B6 in the Opposition) is a review article that provides no technical information concerning the claimed HCV gene, and was cited in the parent applications.

Reference AY (referred to as B7 in the Opposition) discloses the use of a crude extract of HCV infected cells as an immunogenic

BEST AVAILABLE COPY

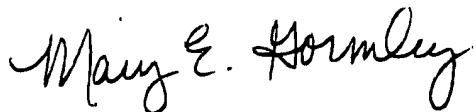
composition. No technical information is disclosed at all with respect to the claimed DNA sequence.

References AP and AZ were cited by Applicants during the oral proceedings of an Opposition filed against the European equivalent of the grandparent of this application, which is directed to nucleic acids of the 55 kD protein of HCV.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. It is respectfully requested that the information be considered and made of record in this application.

The Patent Office is hereby authorized to charge any fee (or credit any overpayment) associated with this statement to our Deposit Account No. 02-2334.

Respectfully submitted,



Mary E. Gormley
Attorney for Applicants
Registration No. 34,409

Akzo Nobel Patent Dept.
1300 Piccard Drive, Suite 206
Rockville, Maryland 20850
Tel: (301) 948-7400
Fax: (301) 948-9751
MEG:mg

78meyers.ids

BEST AVAILABLE COPY

INFORMATION DISCLOSURE CITATION PTO-1449 Page 1 of 2	Atty Docket No. I/6412-554 US/D2	Serial No. 09/059,853
	Applicant MEYERS ET AL.	
	Filing Date April 14, 1998	Group to be assigned

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA					
	AB					
	AC					
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Translation
Up	AJ EPA 0236 977	09/16/87	EPA	Yes/No/Partial
	AK WO91/00352	01/10/91	PCT	
AL				
AM				
AN				

OTHER DOCUMENTS

Up	AO	A.L. Fernelius et al., Can. J. Comp. Med., 37:96-102, January 1973
↓	AP	R. Rümenapf et al., Virology, 171:18-27 (1989)
	AQ	G. Meyers et al., Virology, 171:555-567 (1989)
↓	AR	M.C. Collett et al., J. Gen. Virol. 70:253-266 (1989)

Examiner L. Smith Date Considered 8/27/98

INFORMATION DISCLOSURE CITATION PTO-1449 Page 2 of 2	Atty Docket No. I/6412-554 US/D2	Serial No. 09/059,853
	Applicant MEYERS ET AL.	
	Filing Date April 14, 1998	Group to be assigned

U.S. PATENT DOCUMENTS

Examiner initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA						
	AB						

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Translation
AJ				Yes/No/Partial

OTHER DOCUMENTS

AS	R.J.M. Moormann et al., <i>Virus Research</i> , 11:281-291 (1988)
AT	Collett et al., <i>Virology</i> , 165:191-199 (1988)
AU	Collett et al., <i>Virology</i> , 165:200-208 (1988)
AV	Declaration of R.J.M. Moorman and enclosures 1-4, re:oral presentation on December 8, 1988
AX	Thesesis of G. Wensvoort, entitled "Epitopes on Structural Proteins of Hog Cholera (Swine Fever) Virus, 3/8/89, publicly available 3/14/89
AY	Dalsgaard et al., <i>Acta Vet. Scand.</i> , 17:465-474 (1976)
AZ	Renard et al., <i>DNA</i> , 4:429-438 (1985)
BA	Geysen et al., <i>Journal of Immunological Methods</i> , 102:259-274 (1987)

Examiner J. Smith Date Considered 8/27/98